

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 19-MJ- 690

KEVIN E. MCKINNEY a/k/a K-Born
JAMAL A. ANDERSON a/k/a Jamel Jefferson
a/k/a James Jefferson a/k/a Jamel Anderson a/k/a
Mike Jefferson a/k/a Blaze, and
BRIANA M. HALL



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

Between in or about 2018 and September 13, 2019, in the County of Chemung, in the Western District of New York, KEVIN E. McKINNEY, JAMAL A. ANDERSON and BRIANA M. HALL did knowingly conspire to possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 846; AND did knowingly possess with intent to distribute 500 grams or more of methamphetamine, and distribution of methamphetamine and heroin, in violation of Title 21, United States Code, Section 841(a)(1); AND Title 18, United States Code, Section 2 (aiding and abetting the distribution and possession with intent to distribute methamphetamine and heroin).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

SA CHRISTOPHER MAHAFFY, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: September 14, 2019

Judge's signature

City and State: Rochester, New York

HONORABLE JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Printed name and title

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

19-MJ- 690

KEVIN E. McKINNEY a/k/a K-Born
JAMAL ANDERSON a/k/a Blaze
BRIANA M. HALL,

Defendants.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

CHRISTOPHER MAHAFFY, being duly sworn, deposes and says:

1. I am a Special Agent with the Drug Enforcement Administration (DEA), and as such I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 21, United States Code, Section 801, et seq. and Title 18, United States Code, Section 2516(1).

2. I have been employed with the Drug Enforcement Administration since May 2014. I am currently assigned to the DEA Rochester Resident Office. Prior to becoming a DEA Special Agent, I received a Bachelor of Arts degree in Public Justice from the State

University of New York at Oswego in May 2007. During my employment with the Drug Enforcement Administration, I completed 18 weeks of training at the DEA Office of Training, located in Quantico, Virginia, prior to being assigned to the Rochester Resident Office. My training included classroom preparation in drug trafficking networks, drug identification, as well as practical application of surveillance, drug investigation, and arrest procedures. During my tenure with the DEA, I have participated in numerous investigations relating to armed individuals that were involved in the distribution of controlled substances, including heroin, cocaine, cocaine base and other substances. I have also participated in numerous interviews and debriefings of individuals involved in armed drug trafficking. I am familiar with the habits, methods, routines, practices and procedures commonly employed by persons engaged in the armed trafficking of illegal drugs. Additionally, I am familiar with the methods of use, effects, distribution, appearance, as well as the methods of manufacture of controlled substances. I have been the affiant on multiple federal and state search warrants, arrest warrants and other applications. During my time at the Rochester Resident Office, I have participated in multiple long-term narcotics investigations that utilized the court-authorized interception of wire communications that have resulted in the arrest of drug distributors, and the seizures of quantities of controlled substances and firearms. In addition, I have had the opportunity to work with other DEA agents and law enforcement officers, who have also investigated armed drug trafficking networks.

PURPOSE OF AFFIDAVIT

3. This affidavit is submitted in support of a criminal complaint charging Kevin E. McKINNEY a/k/a “K-Born” (hereafter “McKINNEY”), Jamal A. ANDERSON a/k/a Jemel Jefferson a/k/a James Jefferson a/k/a Jamel Anderson a/k/a Mike Jefferson a/k/a “Blaze” (hereafter “ANDERSON”), and Briana M. HALL with violations of Title 21, United States Code, Sections 846 (conspiracy to possess with intent to distribute, and to distribute, 500 grams or more of methamphetamine, a Schedule II controlled substance, and a quantity of heroin, a Schedule I controlled substance) and 841(a)(1) (possession with intent to distribute 500 grams or more of methamphetamine, and distribution of methamphetamine and heroin), and Title 18, United States Code, Section 2 (aiding and abetting the distribution and possession with intent to distribute methamphetamine and heroin).

4. The information in this affidavit is based upon personal knowledge obtained through my participation in this investigation. It is also based upon information and belief, the source of which is my review of relevant reports prepared by various police agencies, as well as information received from other experienced narcotics investigators, law enforcement agents and officers, all of which I believe to be true and accurate. As a result of my participation in this matter, I am familiar with all aspects of the investigation. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to

the issue of whether probable cause exists to believe that the defendant committed the above-described offenses.

BACKGROUND

5. Beginning in the fall of 2017, agents from the DEA began investigating a Drug Trafficking Organization (hereafter “DTO”) based in Elmira, New York in conjunction with the Elmira Police Department (“EPD”), the New York State Police (“NYSP”), and the Chemung County Sheriff’s Department (“CCSD”), hereafter the “investigative team.” The organization distributes quantities of heroin and methamphetamine. McKINNEY and ANDERSON have been identified as leaders within the DTO based on physical surveillance, confidential source information, controlled purchases of narcotics, and prior law enforcement contact. HALL is ANDERSON’s girlfriend who resides with him, facilitates communication between narcotics customers and ANDERSON, and collects money for narcotics sales on behalf of ANDERSON.

6. McKINNEY is a 42 year-old African American male with a 2005 state felony drug conviction out of Chemung County for which he was sentenced to five years imprisonment and two years post-release supervision.

7. ANDERSON is a 38 year-old African American male with three state felony drug convictions: a 2000 felony drug conviction out of Bronx County, a 2011 felony drug

conviction out of Chemung County, and a March 2019 felony drug conviction out of Bronx Supreme Court, for which he was sentenced to three years probation.

8. HALL is a 24 year-old African American female with one felony conviction and two misdemeanor convictions. On March 20, 2015, HALL pled guilty in Chemung County Court, Elmira, New York to Possession of a Forged Instrument in the Second Degree, a class D felony and was sentenced to one year incarceration and ordered to pay restitution. On August 17, 2015, HALL was resentenced to time served. On June 13, 2017, HALL was convicted of Criminal Possession of a Weapon in the Fourth Degree and sentenced to three years probation and a fine. On January 16, 2019, HALL was resentenced on a violation of probation to 90 days incarceration. On August 13, 2019, HALL was convicted by plea of guilty to Criminal Mischief in the Fourth Degree and sentenced to one year conditional restitution and fine.

**CONTROLLED PURCHASES OF METHAMPHETAMINE AND HEROIN
FROM McKINNEY AND ANDERSON IN 2019**

9. Between **July 21, 2019** and **September 11, 2019**,¹ the investigative team has made multiple, audio-recorded controlled purchases of narcotics from McKINNEY and/or ANDERSON at 508 West First Street, Apartment 2, Elmira, New York (hereafter Premises

¹ The specific dates, times and locations of these controlled purchases are being withheld from this affidavit to protect the identity of the confidential source.

1), at 912 Grand Central Avenue, Upper Apartment, Elmira, New York (hereafter Premises 2), and 916 Grand Central Avenue, Upper Apartment, Elmira, New York (hereafter Premises 3), utilizing a NYSP confidential source, hereafter CS-1,² who arranged these purchases under police direction and supervision.³ Some of these controlled purchases are described below.

10. During the week of **July 21, 2019**, members of the investigative team met with CS-1 in order to formulate a plan to conduct a controlled purchase of heroin from McKINNEY. In the presence of members of the investigative team, CS-1 made a controlled phone call to McKINNEY. During the ensuing conversation, CS-1 advised McKINNEY, in sum and substance, that he/she was traveling to the vicinity of Premises 1 in order to complete the narcotics transaction. Members of the investigative team searched CS-1 with a negative result for weapons or contraband, provided CS-1 with a recording device and official advanced funds (OAF), and transported CS-1 to the vicinity of Premises 1. Approximately twenty minutes after CS-1 arrived in the vicinity of Premises 1, agents observed CS-1 enter Premises 1 through the front, right side door. After the transaction was complete, CS-1

² CS-1 is personally known to the NYSP. CS-1 is a drug user who has been providing information to law enforcement for approximately one year. CS-1 has provided agents reliable information relative to narcotics trafficking which has been corroborated through independent investigation, consensual recordings of face-to-face conversations, written depositions, controlled purchases of narcotics, and information received independently and separately from other law enforcement agencies. Therefore, agents have determined information from CS-1 to be credible and reliable. The name of CS-1 is not included in this affidavit to protect CS-1 from retaliation and to further utilize him/her in this and future investigations.

³ During the period between July 21, 2019 and September 11, 2019, CS-1 purchased heroin from ANDERSON without law enforcement authorization on approximately seven occasions.

exited Premises 1 and returned to the transport vehicle under the direction and observation of surveillance units. Shortly afterwards, agents observed McKINNEY at the front, right side door of Premises 1. CS-1 was then transported back to a neutral location, where he/she provided law enforcement with the recording device and a clear plastic baggie containing an off-white powdery substance which later field-tested positive for heroin. CS-1 was again searched at the neutral location with negative results for weapons or contraband. CS-1 was then debriefed on the narcotics transaction, during which time CS-1 stated that he/she provided the OAF to "K-Born" in exchange for heroin that "K-Born" had weighed and packaged for CS-1. CS-1 further stated that he/she observed a firearm inside Premises 1 during the narcotics transaction.

11. During the week of **July 28, 2019**, members of the investigative team met with CS-1 in order to formulate a plan to conduct a controlled purchase of heroin from McKINNEY. In the presence of members of the investigative team, CS-1 made a controlled phone call to McKINNEY. During the ensuing conversation, McKINNEY advised CS-1 that he was at Premises 1. Members of the investigative team searched CS-1 with a negative result for weapons or contraband, provided CS-1 with a recording device and official advanced funds (OAF), and transported CS-1 to the vicinity of Premises 1. Upon arrival, agents observed CS-1 enter Premises 1 through the front, right side door. After the transaction was complete, CS-1 exited Premises 1 and returned to the transport vehicle under the direction and observation of surveillance units. CS-1 was then transported back to a

neutral location, where he/she provided law enforcement with the recording device and a clear plastic baggie containing an off-white powdery substance which later field-tested positive for heroin. CS-1 was again searched at the neutral location with negative results for weapons or contraband. CS-1 was then debriefed on the narcotics transaction, during which time CS-1 stated that while in Premises 1, "K-Born" packaged the heroin into the sandwich bag and provided it to CS-1 in exchange for the OAF.

12. During the week of **August 11, 2019**, members of the investigative team met with CS-1 in order to formulate a plan to conduct a controlled purchase of crystal methamphetamine from ANDERSON. In the presence of members of the investigative team, CS-1 made a controlled phone call to ANDERSON. During the ensuing conversation, ANDERSON advised CS-1 that he was at Premises 2. Members of the investigative team searched CS-1 with a negative result for weapons or contraband, provided CS-1 with a recording device and official advanced funds (OAF), and transported CS-1 to the vicinity of Premises 2.⁴ Upon arrival, agents observed CS-1 enter Premises 2 through the door on the south side. After the transaction was complete, CS-1 exited Premises 2 using the same door and returned to the transport vehicle under the direction and observation of surveillance units. CS-1 was then transported back to a neutral location, where he/she provided law enforcement with the recording device and a clear plastic baggie containing a crystal-like substance which later field-tested positive for methamphetamine. CS-1 was again searched with negative

⁴ The OAF provided to CS-1 was to pay for an amount of crystal methamphetamine obtained on consignment from ANDERSON during a controlled purchase on an earlier date at Premises 2.

results for weapons or contraband. CS-1 was then debriefed on the narcotics transaction, during which time CS-1 stated that while in Premises 2, he/she provided "Blaze" with the OAF and "Blaze" agreed to provide CS-1 with an additional quantity of crystal methamphetamine on consignment.

13. During the week of **August 18, 2019**, members of the investigative team met with CS-1 in order to formulate a plan to conduct a controlled purchase of crystal methamphetamine from ANDERSON. In the presence of members of the investigative team, CS-1 made a controlled phone call to McKINNEY. During the ensuing conversation, McKINNEY advised CS-1 that he was at Premises 2 and to come see him. Members of the investigative team searched CS-1 with a negative result for weapons or contraband, provided CS-1 with a recording device and official advanced funds (OAF), and transported CS-1 to the vicinity of Premises 2. Upon arrival, agents observed CS-1 enter Premises 2 through the door on the south side. After the transaction was complete, CS-1 exited Premises 2 using the same door and returned to the transport vehicle under the direction and observation of surveillance units. CS-1 was then transported back to a neutral location, where he/she provided law enforcement with the recording device and a clear plastic baggie containing a crystal-like substance which appeared to be methamphetamine. CS-1 was again searched with negative results for weapons or contraband. CS-1 was then debriefed on the narcotics transaction, during which time CS-1 stated that while in Premises 2, he/she provided "Blaze" with the OAF for an amount of crystal methamphetamine previously obtained on

consignment during an earlier controlled purchase with law enforcement before providing “Blaze” with an additional amount of OAF for more suspected crystal methamphetamine. CS-1 further stated that “K-Born” was also present at **Premise 2** during the controlled purchase, and that he/she observed “K-Born” with additional narcotics.

14. During the first week of **September 2019**, members of the investigative team met with CS-1 in order to formulate a plan to conduct a controlled purchase of heroin from ANDERSON. Members of the investigative team searched CS-1 with a negative result for weapons or contraband, provided CS-1 with a recording device and official advanced funds (OAF), and transported CS-1 to the vicinity of Premises 3. Members of the investigative team observed CS-1 enter Premises 3 through the northern most door on the front (west) side of the Premises 3. After the transaction was complete, CS-1 exited Premises 3 and returned to the transport vehicle under the direction and observation of surveillance units. CS-1 was then transported back to a neutral location, where he/she provided law enforcement with the recording device and a clear plastic baggie containing an off-white powdery substance which later field-tested positive for heroin. CS-1 was again searched at the neutral location with negative results for weapons or contraband. CS-1 was then debriefed on the narcotics transaction, during which time CS-1 stated that he/she provided the OAF to “Blaze” in exchange for heroin that “Blaze” weighed and packaged for CS-1 and a quantity of heroin “Blaze” had previously fronted to CS-1 without police authorization.

15. During the second week of **September 2019**, members of the investigative team met with CS-1 in order to formulate a plan to conduct a controlled purchase of heroin from ANDERSON. Members of the investigative team searched CS-1 with a negative result for weapons or contraband and provided CS-1 with a recording device and official advanced funds (OAF). CS-1 exchanged a telephonic communication with ANDERSON and in sum and substance, ANDERSON directed CS-1 to Premises 3. Following the telephonic communication, a member of the investigative team transported CS-1 to the vicinity of Premises 3. Members of the investigative team observed CS-1 enter Premises 3 through the northern most door on the front (west) side of the Premises 3. After the transaction was complete, CS-1 exited Premises 3 and returned to the transport vehicle under the direction and observation of surveillance units. CS-1 was then transported back to a neutral location, where he/she provided law enforcement with the recording device and a clear plastic baggie containing an off-white powdery which later field-tested positive for heroin. CS-1 was again searched at the neutral location with negative results for weapons or contraband. CS-1 was then debriefed on the narcotics transaction, during which time CS-1 stated that both "K-Born" and "Blaze" were present during the narcotics transaction and that he/she provided the OAF to "Blaze" in exchange for heroin that "Blaze" had weighed and packaged for CS-1.

16. On multiple occasions while CS-1 was engaging in controlled purchase of narcotics from ANDERSON and/or McKINNEY, HALL was present in the residence during the transaction.

**CONTROLLED PURCHASES OF METHAMPHETAMINE
FROM McKINNEY IN 2018**

17. In October 2018, the investigative team made two purchases of methamphetamine from McKINNEY at an additional residence utilized by the Drug Trafficking Organization in Elmira, New York, utilizing an Elmira Police Department confidential source, hereafter CS-2.⁵ On both occasions, CS-2 alerted members of the investigative team that he/she had been in contact with McKINNEY and that he/she was going to meet McKINNEY. On both occasions, McKINNEY provided CS-2 with a quantity of methamphetamine between 20 grams and 80 grams while ANDERSON was present. Following each meet with McKINNEY, CS-2 contacted members of the investigative team and turned over the methamphetamine, and provided a written statement. Specifically, on the second occasion, CS-2 met with McKINNEY to pay off a prior drug debt and was forced by McKINNEY, who had a firearm on his person, to take the methamphetamine. Following the acquisition of both quantities of methamphetamine, the investigative team met with CS-2 on a later date, at which time CS-2 made a series of controlled telephone communications with McKINNEY. In sum and substance, CS-2 and McKINNEY arranged to meet in order for CS-2 to provide McKINNEY payment for the previously fronted quantities of methamphetamine. On one of these occasions, CS-2 stated that he/she also brought along a quantity of money needed to pay McKINNEY for a personal debt for heroin previously obtained on consignment. On both occasions, members of the investigative team searched

⁵ CS-2 is personally known to the EPD. CS-2 has since been charged with federal narcotics offenses related to this investigation and is currently a cooperating defendant.

CS-2 with a negative result for weapons or contraband, provided CS-2 with a recording device and official advanced funds (OAF), and transported CS-2 to the meet location. After the transaction was complete, CS-2 exited the meet location and returned to the transport vehicle under the direction and observation of surveillance units. CS-2 was then transported back to a neutral location, where he/she was again searched with negative results for weapons or contraband.

COOPERATING DEFENDANT INFORMATION

18. Since April 2019, members of the investigative team have arrested multiple defendants on federal narcotics trafficking charges related to methamphetamine and/or heroin distribution in the Elmira, New York area. At least three of these defendants have provided information to the investigative team through proffer meetings conducted with the individual defendant, his/her attorney, the federal prosecutor, and members of the investigative team. According to at least three cooperating defendants, McKINNEY and ANDERSON are distributing methamphetamine and/or heroin in the Elmira and have been doing so for at least six months. Three of these cooperating defendants indicated that they have purchased methamphetamine directly from McKINNEY, and that each of these defendants had received multiple ounces of methamphetamine from McKINNEY. Two of these cooperating defendants also indicated that they had received over 10 ounces of crystal methamphetamine from McKINNEY during a single transaction. One of the cooperating

defendants indicated that he/she had received over 20 ounces of crystal methamphetamine from ANDERSON.

SEARCH WARRANT EXECUTED AT PREMISES 3

19. On September 12, 2019, U.S. Magistrate Judge Jonathan W. Feldman issued a search warrant for Premises 3 (the upper apartment at 916 Grand Central Avenue). In anticipation of the execution of the search warrant, law enforcement maintained surveillance at 916 Grand Central Avenue from approximately 12:00 p.m. on September 12, 2019 until approximately 9:01 a.m. on September 13, 2019.⁶

20. On September 12, 2019, at approximately 4:58 p.m., surveillance officers observed McKINNEY arrive and enter the location. McKINNEY left and returned to the location on few occasions then remained inside the location until surveillance officers observed him exit at approximately 12:13 a.m. on September 13, 2019. At approximately 3:30 a.m., surveillance officers observed ANDERSON and HALL arrive and enter the location, where they remained until the search warrant was executed.

⁶ Additionally, law enforcement maintained surveillance at the Hampton Inn Hotel at 51 Arnot Road in the Town of Horseheads, which is the location where McKINNEY has been temporarily residing.

21. On September 13, 2019, at approximately 9:01 a.m., members of the investigative team executed the search warrant at Premises 3. In the master bedroom, law enforcement located ANDERSON and HALL in bed. During the search of the two-bedroom residence, law enforcement located the following:

- Several large, ziplock bags containing a clear, crystal-like substance which weighed approximately 1,124 grams and which field-tested positive for methamphetamine in the closet in Bedroom #2 (a kids bedroom) in a black book bag;
- One clear baggie containing an off-white powdery substance which weighed approximately 50 grams and field-tested positive for heroin in the same black book bag;
- One clear baggie containing an off-white powdery substance which weighed approximately 26 grams and field-tested positive for heroin in the living room inside a DVD case;
- One clear baggie containing a crystal-like substance weighing approximately 14 grams and which appeared to be methamphetamine in rice box in a kitchen cupboard;
- Multiple cellular telephones throughout Premises 3;
- Material for the packaging and processing of heroin and methamphetamine to include a grinder, multiple scales, and new/unused baggies in various locations; and
- One 9mm hollow point bullet on the porch.

22. At approximately 9:38 a.m., surveillance officers at the Hampton Inn Hotel observed McKINNEY outside the hotel speaking on a cellular phone and pacing back and forth. McKINNEY was picked up by a female driving a red Ford Fusion sedan. At approximately 9:43 a.m., officers stopped the vehicle and took McKINNEY into custody on

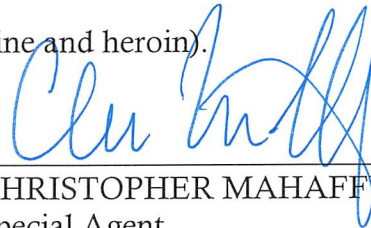
the eastbound on-ramp to I-86 nears Chambers Road in the Town of Big Flatts. On his person, McKINNEY had \$3,252 in U.S. currency, a cell phone, and two loose keys. NYSP Inv. Kevin Backer subsequently brought the keys over to Premises 3. One key operated the front door lock to 916 Grand Central Avenue and the other key operated the door to the upper apartment at 916 Grand Central Avenue (Premise 3).

23. Elmira Police Department Investigator Daniel Van Dine and I advised HALL of her Miranda rights, which HALL acknowledged she understood and agreed to waive. In sum and substance, among other things, HALL admitted that she and ANDERSON lived at Premises 3, that she had previously lived at Premises 2 with ANDERSON and that she was aware of the narcotics inside Premises 3. HALL stated that McKINNEY has a black book bag which has everything in it. HALL further stated that McKINNEY gives ANDERSON a little bit of heroin and crystal meth (ice) that ANDERSON keeps in a drawer in the kitchen. HALL identified individuals who purchase narcotics from McKINNEY. HALL denied selling narcotics herself but stated that when ANDERSON was not present at the residence, she would collect money from narcotics customers that arrived at the house looking for ANDERSON.

CONCLUSION

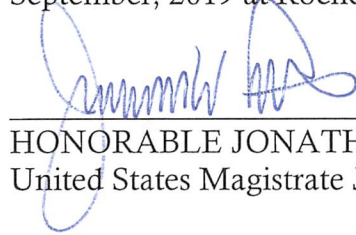
24. Based on the above information, I respectfully submit that there is probable

cause to believe that defendants Kevin McKINNEY, Jamal ANDERSON, and Briana HALL did commit violations of Title 21, United States Code, Sections 846 (conspiracy to possess with intent to distribute, and to distribute, 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance), and 841(a)(1)(possession with intent to distribute 500 grams or more of methamphetamine, and distribution, of methamphetamine and heroin), and Title 18, United States Code, Section 2 (aiding and abetting the distribution and possession with intent to distribute methamphetamine and heroin).



CHRISTOPHER MAHAFFY
Special Agent
Drug Enforcement Administration

Sworn to and subscribed to
before me this 14 day of
September, 2019 at Rochester, NY.



HONORABLE JONATHAN W. FELDMAN
United States Magistrate Judge